

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEVIN FERNANDEZ,

Plaintiff,

v.

DR. CENTRIC, et. al.,

Defendants.

3:12-cv-00401-LRH-WGC

ORDER

Before the court is Plaintiff's Motion for Review of Mental Health and Medical Records. (Doc. # 285.)¹ Plaintiff requests an order allowing him to review his medical and mental health records for a period of three hours because these documents support a recently filed motion for temporary restraining order and preliminary injunction.

Consistent with Nevada Department of Corrections (NDOC) Administrative Regulation (AR) 639.03, Plaintiff may request to review his medical records under the supervision of medical staff members. AR 639.03.1 Pursuant to the AR, this is permitted once per year unless special circumstances exist (as determined by the medical director or attending practitioner) or the court orders otherwise. AR 639.03.3. AR 639 does not contain a time limit for the review of medical records. The court deems Plaintiff's request for three hours to review his medical records to be reasonable. Therefore, when Plaintiff sends a request to review his medical records, Defendants are ordered to permit him to review his medical and mental health files (regardless of whether he has already done so this year), and he is entitled to review them for up to three hours.

The court notes that AR 639.03 also provides that prior to this review, medical and mental health records will be screened for confidentiality and any items that "could impact the inmate's mental well being" will be screened and removed from the record prior to the inmate's

¹ Refers to court's docket number.

1 review. AR 639.03.2, A.

2 Given the nature of Mr. Fernandez's claims, if this pre-review screening results in a
3 determination that any item in Plaintiff's medical or mental health records should be removed
4 before Plaintiff reviews them, Defendants are directed to promptly file a statement indicating this
5 is the case and submit the documents they seek to withhold from Plaintiff's view to the court in
6 camera along with a motion for leave to file such documents in camera. At that point, the court
7 will make a determination regarding whether Plaintiff should be able to review the documents.

8 In sum, Plaintiff's motion (Doc. # 285) is **GRANTED**.

9 **IT IS SO ORDERED.**

10 Dated: May 23, 2014.



11 WILLIAM G. COBB
12 UNITED STATES MAGISTRATE JUDGE
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